

**CITY OF COLUMBIA CITY COUNCIL
WORK SESSION MINUTES
FEBRUARY 5, 2013 – 3:00 P.M.
EAU CLAIRE TOWN HALL
3905 ENSOR AVENUE**



The Columbia City Council met for a Work Session on Tuesday, February 5, 2013 at the Eau Claire Town Hall located at 3905 Ensor Avenue, Columbia South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 3:21 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Leona K. Plaugh, The Honorable Brian DeQuincey Newman, The Honorable Cameron A. Runyan and The Honorable Moe Baddourah. Also present were Ms. Teresa B. Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

CITY COUNCIL DISCUSSION / ACTION

1. The Translation Zone “A Practical Approach to Pro-Active Communication” – Dr. Germon Miller, Founder of the Akeru Legacy Council

Dr. Germon Miller, Founder of the Akeru Legacy Council presented a [letter](#) from the United States Sokeship Council, which named Dr. Miller as the International Grand Master for 2013. Members of the RICH Program presented a video about misperception and negative stereotyping.

2. [Epworth Children’s Home Request for Funding](#) – The Honorable Tameika Isaac Devine

Councilor Devine recalled that Council funded Epworth Children’s Home at \$60,000 in the past and when Council eliminated the community promotions funding, they asked staff to look at other ways fund Epworth. She reported that the Community Development Department allocated \$22,000 to Epworth. She further recalled that Mr. Rickenmann asked Council to fund them in June 2012, but a source was never identified. She asked that this be considered because, they were never awarded the remaining amount of \$38,000 when Council looked at funding other groups. She suggested that they consider the Council Contingency Fund as the funding source.

Ms. Teresa Wilson, City Manager added that this organization has applied for Community Development Block Grant (CDBG) funds and those funds would be allocated for fiscal year 2013/2014. She noted that Epworth is on the list of groups to be recommended for funding.

Councilor Davis asked if the CDBG funds would be awarded annually.

Ms. Teresa Wilson, City Manager stated they would need to apply each year.

Ms. Deborah Livingston, Director of Community Development explained that Epworth applied last year, but no funds were available; in 2010, they received \$60,000; they received \$22,000 this year; and they have applied for \$60,000 for next year. She noted that this will go before the Citizens Advisory Committee (CAC) for their review and recommendations.

Councilor Devine reiterated that they were normally funded from Community Promotions, but that funding was cut last year and she did not include them in the Mayor's list of groups to be funded, because she thought they were already fully funded.

Mayor Benjamin sought clarification on what these funds are for; capital improvement or operations. He asked if this would be an annual request.

Ms. Deborah Livingston, Director of Community Development stated that they have made an application for operations for the past two (2) years.

Councilor Plough asked why \$22,000 was allocated and not the full \$60,000.

Ms. Deborah Livingston, Director of Community Development said they received 30 applications for the public service portion last year; there were a lot of neighborhoods that applied last year and there is less demand this year.

Councilor Plough asked if there were any other federal funds like HOME that could be used to assist Epworth.

Ms. Deborah Livingston, Director of Community Development said not for operations; it's eligible for CDBG, but not HOME.

Councilor Plough asked what the plan was for operations when the city assisted with the construction.

Mr. Lee Porter, Chief Program Officer for Epworth Children's Home replied that 90% of the money came from private donations as well as matching assistance programs with the city and county.

Councilor Devine stated that the \$60,000 was for last year and then there was a new application for helping with operations, according to the letter.

Councilor Plough asked how many individuals are in this arrangement.

Mr. Lee Porter, Chief Program Officer for Epworth Children's Home said 30.

Council Devine noted that it's for the independent living apartments once individuals transition out of the shelter.

Councilor Davis added that this helps kids that are there for an extended period of time transition back into the community.

Councilor Plaugh asked if they are getting the full \$60,000 next year.

Ms. Deborah Livingston, Director of Community Development replied that a majority of it, but there is a small portion that is ineligible.

Councilor Plaugh asked if they will be asking for additional funding.

Ms. Deborah Livingston, Director of Community Development said probably not.

Councilor Plaugh asked about the county's support.

Mr. Lee Porter, Chief Program Officer for Epworth Children's Home said they are in talks with them now; they funded a small amount last year.

Councilor Plaugh inquired about the total operational expenses for a year.

Ms. Teresa Wilson, City Manager said it's approximately \$250,000 a year.

Mayor Benjamin asked if they were on the same fiscal year as the city, from July to June.

Mr. Lee Porter, Chief Program Officer for Epworth Children's Home answered yes.

Councilor Baddourah asked if they were promised \$60,000 for operations, but they only received \$22,000.

Councilor Devine insisted that there was no promise. She explained that in June 2012, prior to Mr. Rickenmann's last meeting, he brought it up, because he was working with Epworth. She said that Council did not vote on it, because there was no funding source available. She added that Mr. Gantt was asked to identify a funding source and from that was an expectation that the money would be forthcoming.

Mayor Benjamin asked if a request was made of the county last year.

Mr. Lee Porter, Chief Program Officer for Epworth Children's Home replied yes.

Mayor Benjamin asked if the county chose not to fund them this fiscal year.

Councilor Devine said they funded Epworth, but we will have to find out the amount. She reported that Mr. Gantt confirmed that Council had a contingency of \$75,000 that had not been used.

Councilor Plaugh stated that the \$75,000 was originally set aside for an internal auditor to help us look at various operations of the city and we have not done that.

Mayor Benjamin concluded that we need to get our arms around what the county has done; they are almost through the third quarter; and we'll have some idea of how the Community Development Department plans to move forward. He asked that the Director of Community Development provide some directive as to what our long term reoccurring responsibilities might be from this source of funds.

Ms. Teresa Wilson, City Manager added that they will apply every year, if they choose to respond to the Notice of Funding Availability (NOFA) and if funds are available and they are eligible a recommendation will be made for the CAC to review the request.

Mayor Benjamin asked if the amount is not met through the NOFA, will they request additional funds from us.

Councilor Devine said that she was compelled to bring this forward, because there was a discussion in June that led them to believe they may receive the additional funding. Subsequently this Council funded several groups and it wasn't communicated to them that they were not part of that. This year is unique, but they clearly understand the application process and that you can't come back to this Council every year. She stated that because of the circumstances, it needed to be revisited.

Mayor Benjamin asked staff to review the minutes and see if any other organizations have fallen into that category so that Council can rectify that. He agreed to resolve this between now and the next meeting. He acknowledged that Epworth has done great work for a very long time and we appreciate all they do.

3. The *Busted Plug* Sculpture – The Honorable Mayor Stephen K. Benjamin

Mayor Benjamin stated that he and Councilman Baddourah will meet with Blue Sky to figure out how we can move the *Busted Plug*. He said with the help of One Columbia, Historic Columbia and the Art Museum we can start to see more public art being deployed into the community. He wants to see the *Busted Plug* become an interactive piece of art.

Councilor Baddourah added that they reviewed the various suggestions that were emailed and sent through Facebook. He suggested that it should be Blue Sky's choice, since it's his art. He said his first choice was the top of Finlay Park, but they were told that wasn't good enough. He said his second recommendation is to put it by the old CCI site when you come into the city by the bridge. He said he likes this idea as this is an entrance into the city and has a lot of visibility. He agreed that there are some issues and challenges that must be discussed.

Councilor Devine inquired about the location in Finlay Park.

Mr. S. Allison Baker, Senior Assistant City Manager presented a map of the proposed location in Finlay Park for the *Busted Plug*. He explained that the site is by the playground; it's the best site in this general area from a problematic standpoint. He noted that there are challenges with topography and quite a bit of site work needed to be done. He suggested that

the next best location is near the pond, it leaves the Gadsden Street side for festival space, but it's not very visible from Taylor Street. He said the option of having recirculating water, is preferred by the South Carolina Department of Health and Environmental Control (DHEC), but not required. He reported that the Drew splash pad cost \$292,000 to include a restroom facility. He noted that there's a similar, but much smaller version at Edisto Park.

Mayor Benjamin requested copies of the bids from Drew Park and South Edisto Discovery Park.

Councilor Baddourah added that AgFirst was generous enough to give us \$25,000 to move the *Busted Plug*, which he thought was enough to move it without costing the city too much.

Mayor Benjamin added that public art is important. This is a chance to take one of the most iconic pieces of art in the city and integrate it into everyday life. His option is to have the *Busted Plug* going full blast with a splash pad wrapped around it so families can have fun with it. He said that the Gadsden Street location is his first choice. He talked about the official first leg of the Vista Greenway and people parking in garages in the Vista and walking through the tunnel into the park. He mentioned the possibility of adding bumper boats or paddle boats to the pond at Finlay Park through a third party vendor. He said that they needed to spend real time talking about the improvement of the quality of life in the park, by starting to encourage the connectivity between the Vista and the park. He noted that they would have to see the cost of it.

Councilor Davis suggested that they consider Hyatt Park; it's a well-traveled corridor and it's an opportunity to bring public art to other parts of the city; that was the initiative of *The Doors* and those kinds of things to put art elsewhere. He appreciates the challenges mentioned in terms of whether or not the infrastructure will hold. He said Hyatt Park is contiguous to the traffic lanes; it's very visible; and there would be minimal costs to install infrastructure. From one artist to another, he suggested that staff consider this request.

Mayor Benjamin acknowledged Mr. Davis' request.

Mr. S. Allison Baker, Senior Assistant City Manager presented a map of the park identifying entrances, the existing tunnel, the proposed locations and parking.

Councilor Plaugh described Finlay Park as our crown jewel. She stated that in our desire to be a world class city, the idea of looking at how we might enhance our jewel with this piece of art is something we should definitely look at. She suggested that architectural landscape park designers be involved in this process.

Councilor Newman asked if any three (3) of the proposed locations would interfere with future plans for the park to include the park going through the railway bed and a pedestrian overpass.

Mr. S. Allison Baker, Senior Assistant City Manager stated that any of these locations should not interfere with those plans. He outlined the pros and cons of each site.

Councilor Runyan inquired about the time needed to relocate the art and install the water feature.

Mr. S. Allison Baker, Senior Assistant City Manager responded that it could happen in 120 days.

Councilor Davis asked if the splash pad is regulated by DHEC.

Mr. S. Allison Baker, Senior Assistant City Manager explained that if we use recirculating water it would have to be operated just like a swimming pool; it's clearly more sanitary although it's more costly upfront.

Councilor Runyan noted that the Arts and Historic Preservation Committee discussed the possibility of using the Hospitality Tax for legacy projects by investing a piece of that tax into some projects that will have a lasting impact on the city.

Mayor Benjamin asked if fees are charged in other places where splash pads are used.

Mr. S. Allison Baker, Senior Assistant City Manager said there are several places in Charleston and Orangeburg where you have to pay; the one in Centennial Park in Atlanta is free; and they make a lot of money in Charleston.

Mayor Benjamin asked if Finlay Park is due for upgrades or maintenance; is it programmed into the budget.

Mr. S. Allison Baker, Senior Assistant City Manager replied absolutely, but it's not programmed into the budget. He said it's one of the primary recommendations in the upcoming master plan for the department.

Mayor Benjamin stated that we should look at other resources we need to accelerate the development of that park and get some feedback on the second phase of that tunnel.

Ms. Teresa Wilson, City Manager inquired about DHEC's regulatory requirements for splash pads.

Mr. S. Allison Baker, Senior Assistant City Manager explained that if you recirculate water then the same rules apply as to how you operate a pool; you must have a certified pool operator and it has to be checked every day; and we have to keep a log. He noted that three (3) certified pool operators are employed by the city.

Councilor Baddourah asked if it can be done in stages; can we move the *Busted Plug* then work around it.

Mr. S. Allison Baker, Senior Assistant City Manager stated that he cannot give a definite answer. He said they must lay the ground work first.

Mayor Benjamin said they saw heavy traffic around the ice skating rink. He stated that with Mr. Baker's recommendation to push it more into Finlay Park, the amount of young people we will see there will be significant.

Mr. S. Allison Baker, Senior Assistant City Manager stated that the more activity you have in park, the less likely we are to have unwanted behaviors in the park.

Mayor Benjamin asked Council whether it's a good idea to engage third party vendors for the pond.

Councilor Devine inquired about the bridge in the pond.

Mr. S. Allison Baker, Senior Assistant City Manager said that you would have to make modifications to it; we have to see what depth we'll need; we generally try to keep people's hands and feet out of the water, because the pond is 7' to 8' deep towards the center. He agreed that it's a very good idea.

Councilor Plough re-emphasized the need to have a professional planner look at the park.

Councilor Runyan asked what kind of economic impact the splash pad would have.

Mr. S. Allison Baker, Senior Assistant City Manager replied that Charleston's is connected to the water park and they fund that from water park revenues. He agreed to look at Orangeburg or Saluda Shoals.

Councilor Plough suggested that they look at the Battery in Charleston.

Councilor Baddourah inquired about the economic impact of other splash pads that are centrally located with a high volume of activity.

Ms. Teresa Wilson, City Manager sought input on either storing the artwork or leaving it in place until a site is selected.

Councilor Baddourah said that AgFirst has expressed an interest in moving the *Busted Plug* as soon as possible; Blue Sky doesn't want the *Busted Plug* to go into storage; and Mr. Gantt previously indicated that moving the *Busted Plug* would not be a problem.

There was a consensus of Council to authorize staff to engage a consultant, if necessary, to advise Council on all the other aspects and to have the proposed amenity available to citizens by July 4, 2013 or soon thereafter.

Ms. Dana Higgins, City Engineer reported that staff met with the Bicycle and Pedestrian Committee and the Vista Greenway Committee and determined that the biggest obstacle is the tunnel where Parks and Recreation currently stores its materials. She said that the site is rough and some of the leaders in the committee would like a master plan for the remainder of the project to Elmwood Avenue. She noted that the cost estimate is \$50,000 to \$60,000.

Mayor Benjamin asked that we communicate with the residents of Arsenal Hill, make them a part of this discussion and get their insight, but Council will make the final decision.

4. Customer Notification of Water Outages – Mr. Joey Jaco, Director of Utilities and Engineering

Mr. Joey Jaco, Director of Utilities and Engineering explained that a boil water advisory is issued when there's a possibility of water being contaminated through the loss of any pretreatment process, loss of significant pressure within the system or if there's a line break. He said that a boil water notice is issued when the city has completed samplings and found the presence of coliform bacteria in the water. If it affects 25 customers or less, we leave door hangers or in some cases, we notify residents face-to-face. Also, key staff, our customer care center, and DHEC are notified. If it affects more than 25 customers, we use additional outlets to include the local media, emergency contacts, Nixle, and Twitter. He noted that they are looking at utilizing our emergency notification system; our customer call center handles calls regarding any city matter; and we have a third party that handles calls after hours and contacts our staff when emergencies arise.

Councilor Devine asked about reverse 911.

Mr. Joey Jaco, Director of Utilities and Engineering advised Council that they are looking at implementing that as well. He said they are looking at having an announcement when people call in to advise them of notices and they are expanding the notification process through the website as well.

Councilor Plough stated that an incident happened in the Rutledge Hill area where customers were not notified of the advisory and were unaware when it expired. She asked if that fell through the cracks.

Mr. Joey Jaco, Director of Utilities and Engineering stated that it could have been a repair that did not require an advisory.

Councilor Plough said they had collected sediment in their drinking water and were told to boil their water when they called.

Mr. Joey Jaco, Director of Utilities and Engineering stated that they were able to make that repair without losing water pressure so an advisory was not needed.

Ms. Teresa Wilson, City Manager explained that she has talked with staff regarding the balance between the number of advisories that are going out and the safety and understanding of our public as to what is going on. She said they must decide how to address the unknowns. She said that they are looking at using the Reverse 911 system to acknowledge that there is an issue. She stated that it is important to have somebody that can talk to our citizens and help them to understand what is going on.

Mr. Joey Jaco, Director of Utilities and Engineering stated that they are looking into the possibility of expanding city staff to answer calls 24 hours a day; currently, someone will return your call the next day, but we prefer to have someone there to answer the call.

Councilor Plough stated she has been telling people in neighborhood meetings not to use Nixle, but to use RAIDS Online, because that is what the police are using. She asked if we are using Nixle for other departments.

Mr. Joey Jaco, Director of Utilities and Engineering stated that Utilities and Engineering is using Nixle.

Mr. Leslie Wiser, Deputy Police Chief explained that the Police Department uses both programs; Nixle is used for immediate notifications; and RAIDS Online gives a historical perspective about the neighborhoods.

5. Soda City Market – Ms. Melissa Gentry, P.E., Assistant City Manager

Mr. Robert Anderson, Public Works Director gave an update on the Soda City Market. He stated that they have worked with the downtown business association to come up with a resolution that suits both parties to continue this until December 28, 2013.

Ms. Teresa Wilson, City Manager asked Mr. Anderson to answer questions related to the bagging of meters and alcohol consumption at Soda City.

Mr. Robert Anderson, Public Works Director stated that none of the businesses on Main Street have an encroachment permit to sell beer and wine on the sidewalk. He said that Soda City meets the requirements with the Department of Revenue and would only be allowed two (2) special exemptions a year to serve beer or wine within the festival area.

Councilor Devine asked if they serve alcohol at 9 a.m.

Mr. Robert Anderson, Public Works Director confirmed that they do.

Mayor Benjamin explained that Soda City is asking the city to modify the resolution or find a legal way to allow them to sell wine and that wine be taken up and down the street within the designated area.

Mr. Robert Anderson, Public Works Director said that the resolution allows for two (2) exemptions a year, but they are still seeking a resolution to allow it every week.

Mr. Ken Gaines, Esq., City Attorney advised Council that if Wine Down meets the ADA requirements for a dining encroachment, they could apply for it in front of their business and under DOR regulations that would be included in their premise license so they could serve customers in that encroachment area. He noted that they would not be able to go up and down the street with it.

Councilor Baddourah asked if Soda City was paying the fees for tables and security.

Mr. Robert Anderson, Public Works Director confirmed that they have been paying.

Councilor Baddourah asked if the new contract requires them to pay the Fire and Police Departments, but nothing for Public Works.

Mr. Robert Anderson, Public Works Director replied yes. He noted that the Public Works Department does not provide services to Soda City over the weekend; the organizer even purchased barricades.

Councilor Baddourah expressed concerns about allowing this; will it open a can of worms for others wanting to close Main Street.

Mayor Benjamin said that Council has the prerogative to say yes or no to any requests. He said that we always maintain control over what is scheduled there.

Ms. Teresa Wilson, City Manager asked about the parking meters.

Mr. John Spade, Director of Parking Services explained that the City Center Partnership bags the meters and we provide them with a locking canvas bags that say “No Parking After Midnight”. He explained that this is being done so that downtown residents or their guests do not park their vehicles in these spots overnight. He noted that if there are cars in those spots, they are towed to another location two (2) to three (3) blocks away and the officers working at Soda City will inform drivers where their vehicles were relocated to. He also noted that they will delay bagging the meters if requested by the Columbia Museum of Art.

Mayor Benjamin asked who bags the meters, what time they are bagged and is it just the 1500 block of Main Street.

Mr. John Spade, Director of Parking Services explained that the City Center Partnership bags the meters within the 1500 block of Main Street at 8 or 9 p.m. He stated that once Soda City is started and the road is blocked, the bags are removed from the meters by the City Center Partnership.

Mayor Benjamin asked what streets are bagged for First Thursday.

Mr. John Spade, Director of Parking Services replied that the 1500 and 1600 blocks are bagged for First Thursday by the City Center Partnership by at 3 p.m. the day of the event. He noted that those bags say, “No Parking After 6 p.m.”

Ms. Teresa Wilson, City Manager asked if they can be bagged later.

Mr. John Spade, Director of Parking Services stated that because of the time limits on the meters, people might be parked in those spaces when the event begins.

Councilor Davis asked how many complaints have been received.

Mayor Benjamin stated two (2).

Mr. John Spade, Director of Parking Services stated that they receive calls every Friday morning after the First Thursday event.

Councilor Davis asked if it was legitimate.

Mr. John Spade, Director of Parking Services thinks it is because with Soda City the street is blocked off and with First Thursday there are parking spaces available and they are only letting selected people park in those spots.

Ms. Teresa Wilson, City Manager asked for Mr. Spade's recommendation on the parking for First Thursday.

Mr. John Spade, Director of Parking Services recommended that they work with the City Center Partnership to reduce the number of spaces we are bagging for First Thursday; the classic cars could be placed in a parking garage; and we should be mindful of the business we are bagging meters in front of.

Mayor Benjamin agreed that we needed better accommodations and more effort to let folks know that they can park in a space until a specific time. He stated that First Thursdays are great.

Ms. Teresa Wilson, City Manager stated that staff will come up with a practical and comprehensive approach to handling these issues.

6. SCE&G Franchise Agreement: [Tree Trimming Notification](#) & Non-Standard Service Fund – Ms. Melissa Gentry, P.E., Assistant City Manager

Councilor Plaugh requested that two (2) weeks' notice be given before SCE&G comes through to trim trees to allow neighborhood leaders to work with city staff to educate residents. She said that the process has worked well and thanked staff for their work.

Ms. Melissa Gentry, P.E., Assistant City Manager explained that the non-standard service fund is part of the franchise agreement and it is an opportunity for cost sharing on a non-standard service such as undergrounding utilities or anything that is not the typical overhead power. She stated that we have used those funds in the past for our major corridor projects and ten (10) years ago, the decision was made to spend money on Harden Street, Lady Street, and Main Street and Two Notch Road. She stated that we spent that money ahead of when we get our payment from SCE&G; that money has been committed well into the future.

Councilor Plaugh asked how long is it committed and how much has been committed?

Ms. Melissa Gentry, P.E., Assistant City Manager agreed to work with the finance department to get that information.

7. [Water & Sewer Rates](#) – Ms. Melissa Gentry, P.E., Assistant City Manager

Ms. Teresa Wilson, City Manager asked that this item be deferred to the February 19, 2013 Work Session since this is a time consuming discussion. She asked that this be the only matter on the agenda.

Councilor Plaugh asked for an update on the EZ, Inc.

Mayor Benjamin asked for an update on the tree trimming notification. He asked if a plan was reached in facilitating dialog with SCE&G and SCDOT.

Mr. Ken Gaines, Esq., City Attorney confirmed that this will be discussed in Executive Session under contractual arrangements.

EXECUTIVE SESSION

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to enter into Executive Session at 5:16 p.m. for the discussion of **Items 8** through **11** as outlined.

8. Discussion of negotiations incident to proposed contractual arrangements - *This item was discussed in Executive Session. No action was taken.*
9. Discussion of the employment of an employee - *This item was discussed in Executive Session. No action was taken.*
10. Receipt of legal advice which relates to a pending, threatened or potential claim - *This item was discussed in Executive Session. No action was taken.*
11. ****Discussion of matters relating to the proposed location or expansion of services to encourage location or expansion of industries or other businesses - *This item was discussed in Executive Session. No action was taken.***

▪ **Council adjourned the Work Session at 6:00 p.m.**

Respectfully submitted by:

Erika D. Moore
City Clerk